S.B.Cr.Misc. Bail Application No.3538/2004

03.11.2004

HON'BLE MR.H.R.PANWAR,J.

Mr. D.L. Rawla, for the petitioners.
Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioners and the learned Public Prosecutor for the State. Perused the impugned order and challan papers.

From the perusal of challan papers, it appears that a country made pistol was recovererd at the instance of petitioner No.1 Jarnail Singh on his information furnished under Section 27 of the Evidence Act. So far as petitioner No.2 Karnail Singh is concerned, his information is to the extent that his brother Jarnail Singh fired the pistol and committed robbery from a petrol-pump.

In view of the fact that pistol has been reocvered from Jarnail Singh and it is he who has fired causing injuries to the complainant Narain Das, I do not consider it fit case to allow the bail application filed by petitioner No.1 Jarnail Singh. The bail application filed by petitioner No.1 Jarnail Singh under Section 439 Cr.P.C. is, therefore, rejected.

Having regard to the factts and circumstnaces of the case and the fact that nothing has been recovered from petitioner No.2 Karnail Singh, I consider it just and proper to enlarge the accused petitioner No.2 Karnail Singh on bail.

Accordingly, this bail application filed under Sec. 439

Cr.P.C. is allowed and the petitioner No.2 Karhail Singh S/o Shri Dogar Singh be released on bail in FIR No.234/2003, P.S. Kesrisinghpur, provided he executes a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sound and solvant sureties in the sum of Rs.25,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

/skm/